

REMARKS

Claims 1-19 and 21-36 are pending. In a Non-Final Office Action mailed on July 28, 2006, the Examiner rejected claims 1-19 and 21-36 under 35 U.S.C. § 112, first paragraph; rejected claims 1-19 and 21-36 under 35 U.S.C. § 112, second paragraph; rejected claims 1-3, 7-9, 11, 12, 17-19, 22-24, 28-30, 32-34 and 36 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,890,136 to Kipp ("Kipp") in view of U.S. Patent No. 6,496,806 to Horwitz et al. ("Horwitz"); and rejected claims 4-6, 10, 13-16, 21, 25-27, 31 and 35 under 35 U.S.C. § 103(a) over Kipp in view of Horwitz and U.S. Patent No. 6,463,345 to Peachey-Kountz et al. ("Peachey-Kountz"). Applicants herein amend claims 1, 9-11, 19, 21, 22, 30-32 and 36. Further examination and review in view of the amendments and remarks below are respectfully requested.

Applicants would like to thank Examiners Weiss and Webb for the courtesy extended to Applicants' representative during the October 16, 2006 telephone interview, during which the participants discussed Applicants' techniques, the rejection of the claims, and the cited references, and agreed that the claims, as amended, overcome the cited references.

The Examiner rejected claims 1-19 and 21-36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Although Applicants do not concede the propriety of this rejection, Applicants herein amend independent claims 1, 11 and 36 to address the Examiner's concern. Claims 2-10 continue to depend from independent claim 1, and claims 12-19 and 21 continue to depend from independent claim 11. Applicants respectfully point out that independent claims 22 and 32 do not recite the feature considered by the Examiner as being new matter. Claims 23-31 and 33-35 continue to depend from independent claims 22 and 32, respectfully, and do not recite the feature considered by the Examiner as being new matter. Accordingly, Applicants respectfully request that this rejection be withdrawn.

The Examiner rejected claims 1-19 and 21-36 under 35 U.S.C. § 112, second paragraph, asserting that the phrase "creating a unit order database using information from the existing order database" is unclear given that "[t]he claims previously state that the existing order database being unable to track information at the level of individual units of items of an order." Although Applicants do not agree that the phrase is unclear, Applicants herein amend claims 1, 11 and 36

to address the Examiner's concern. Particularly, Applicants amend independent claims 1 and 11 to no longer recite "the existing order database being unable to track information at the level of individual units of items of an order," and claim 36 to no longer recite "the conventional order processing system being unable to track information at the level of individual units of items of an order." Claims 2-10 continue to depend from independent claim 1, and claims 12-19 and 21 continue to depend from independent claim 11. Applicants respectfully point out that independent claims 22 and 32 do not recite the feature considered by the Examiner as being unclear. Claims 23-31 and 33-35 continue to depend from independent claims 22 and 32, respectfully, and do not recite the feature considered by the Examiner as being unclear. Accordingly, Applicants respectfully request that this rejection be withdrawn.

All of the claims stand rejected over Kipp in combination with Horwitz or Horwitz and Peachey-Kountz. Although Applicants do not concede the propriety of this rejection, Applicants herein amend the pending claims to explicitly recite that the unit order database is tracking "order status" information for each unit of each item of each order in an existing order database. As agreed upon by the participants during the aforementioned October 16, 2006 telephone interview, this feature is neither taught nor suggested by Kipp, Horwitz, and Peachey-Kountz.

Conclusion


In view of the foregoing, Applicants respectfully submit that claims 1-19 and 21-36 are allowable and ask that this application be passed to allowance.

If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

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Respectfully submitted,

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